

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELLIOT MCGUCKEN,

Plaintiff,

v.

SHUTTERSTOCK, INC., et al.,

Defendants.

Civil Action No.: 1:22-cv-00905-GHW

**DECLARATION OF SCOTT ALAN BURROUGHS, ESQ.**

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I, Scott Alan Burroughs, declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. Said testimony is given from my own personal knowledge. I make this declaration in support of Plaintiff Elliot McGucken's Motion to Compel. If called as a witness, I could and would competently testify as set forth below.
2. I am a member of the New York Bar admitted to practice before this Court. I am a founding partner at Doniger / Burroughs, and am lead counsel for Plaintiff, Elliot McGucken ("McGucken"), in this action.
3. My office served timely initial discovery responses on Shutterstock on April 29, 2022 and Shutterstock served its responses to the initial discovery requests on June 7, 2022. Attached as **Exhibit 1** is a true and correct copy of Shutterstock's Responses to Plaintiff's First Set of Requests for Production. Attached as **Exhibit 2** is a true and correct copy of Shutterstock's Responses to Plaintiff's First Set of Interrogatories with Appendix A removed, which was marked confidential pursuant to the protective order in this case.
4. My office served meet-and-confer correspondence concerning deficiencies in Shutterstock's discovery responses on June 27, 2022. Attached as **Exhibit 3** is a true and correct copy of McGucken's June 27, 2022 correspondence.
5. My office had a teleconference for approximately one hour with defense counsel on July 1, 2022. Attached as **Exhibit 4** is a true and correct copy of correspondence concerning the teleconference.
6. Attached as **Exhibit 5** is a true and correct copy of a screenshot from the TinEye website displaying one of McGucken's proprietary photographs as of August 1, 2022.

7. Attached as **Exhibit 6** is a true and correct copy of an order from *Itasca Images LLC, et al. v. Shutterstock, Inc., et al.*, 0:21-cv-00287, United States District Court, District of Minnesota.
8. Attached as **Exhibits 7 and 8** are true and correct copies of the subpoenas served on myself and Plaintiff in *Itasca Images LLC, et al. v. Shutterstock, Inc., et al.*, 0:21-cv-00287, United States District Court, District of Minnesota.
9. Attached as **Exhibits 9 and 10** are true and correct copies of correspondence with certain Shutterstock licensees of the photography at issue.

Executed on August 3, 2022 in New York, New York.

By:   
\_\_\_\_\_  
Scott Alan Burroughs  
Declarant